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Chief,

23 May 1951

Office of General Counsel

Separation Allowances

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1. This is in reply to your memorandum of 17 May 1951, regarding the problem of separation allowances at project  and is largely repetitive of our recent conversation.

2. Foreign post allowances, including the separation allowance, are subject to the provisions of Section 6.4 of the Confidential Funds Regulations and as more specifically defined by the Standardized Government Civilian Allowance Regulations. Section 7.1 of the latter, by definition, states that:

" 'Separation allowance' means an allowance granted pursuant to section 901(2)(iii) of the Foreign Service Act of 1946 (22 U.S.C. 1131(2)) to assist an officer or employee who is compelled by reason of dangerous, notably unhealthful, or excessively adverse living conditions at his post abroad or for the convenience of the Government to meet the additional expense of maintaining his wife and minor children elsewhere than in the country of his assignment. The term 'family,' when used in connection with separation allowances, means the wife of an officer or employee and his children who are unmarried and under 21 years of age. The term 'children,' includes step-children or adopted children."

3. The above definition in itself excludes the possibility of granting a separation allowance for a mother, whether or not she is dependent upon the employee, and demonstrates a clear distinction from the definition of dependents applied for income tax purposes.

4. Insofar as the employee encounters no additional expenses for the maintenance of his wife and minor children by reason of his service overseas, it would seem inappropriate, within the definition of Section 7.1 of the Standardized Government Civilian Allowance Regulations, to create an illusory condition of "additional expense" when it does not exist.

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hw  
cc: Subject  
Chrono

*Replied to M L X*

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